

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, *et al.*,

Plaintiffs,

v.

RICK PERRY, *et al.*,

Defendants.

Civil Action No. 2:13-cv-193 (NGR)
(Consolidated Action)

**UNITED STATES' ADVISORY REGARDING MEET-AND-CONFER
DISCUSSIONS RELATING TO DEFENDANTS' MOTION TO COMPEL
PRODUCTION OF ELECTION FRAUD DOCUMENTS**

During the August 14 status conference, the Court directed the United States and Defendants to confer further regarding Defendants' pending motion to compel (ECF No. 441) and the United States' cross-motion for a protective order (ECF No. 453) relating to election crime/fraud documents. Specifically, as the Court instructed, the United States reviewed the charts referenced by Defendants during the August 14 hearing to see what type of information Defendants had produced to the Texas League of Young Voters Plaintiffs in response to those Plaintiffs' discovery requests for information relating to the State of Texas's investigation and prosecution of alleged election crimes.

After reviewing Defendants' charts, the United States proposed a specific written resolution that would provide Defendants with comparable information from the Criminal Division, Public Integrity Section, of the Department of Justice (though information in its ACTS database) and the Executive Office for United States Attorneys of the Department of Justice (through information in its LIONS database) relating to election crime/fraud investigations and

prosecutions from the United States in a manner that would not impede upon the United States' governmental privileges, deliberative processes, and prosecutorial discretion. *See Ex. 1*, U.S. Ltr. to Tex. (Aug. 14, 2014). Texas responded to the United States' proposal by requesting two additional categories of information: (1) information from the FBI's SENTINEL database relating to any investigations by the FBI into allegations of election crimes in Texas, and (2) information from U.S. Attorneys' Offices in Texas relating to investigations of alleged election crimes in Texas which were disposed of in less than one hour's time and which therefore would not appear in the LIONS database as investigatory "matters." *See Ex. 2*, Tex. Email to U.S. (Aug. 14, 2014).

The United States replied that it could not agree to provide the additional discovery Defendants requested because such discovery: (1) would intrude upon the United States' governmental privileges and prosecutorial discretion; (2) would possibly endanger individuals' personal safety; (3) would be both unduly burdensome and difficult to search as well as unreasonably cumulative of the other information that the United States had already agreed to produce from the Department's ACTS and LIONS databases; and (4) would seek the least probative and least reliable information available about potential election crimes investigated by the Department (indeed, vastly less probative and reliable than the database information that the Department has already agreed to produce). *See Ex. 3*, U.S. Ltr. to Tex. (Aug. 15, 2014). In addition, the United States notes that it is not seeking any information from Texas comparable to that which Texas now seeks from the United States. Defendants nevertheless continue to take issue with the United States' declining to provide that additional discovery.

The United States has indicated that it should be able to produce the ACTS and LIONS database search reports referenced in its August 14 correspondence (Ex. 1) by this Thursday,

August 21. Consistent with its cross-motion for protective order (ECF No. 453), the United States respectfully asks this Court to enter a protective order limiting further discovery by Defendants relating to election crimes and voter fraud information to that the United States has agreed to provide in its August 14, 2014, proposal to Defendants (Ex. 1).

Date: August 18, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

This certifies that I have this day filed the within and foregoing **United States' Advisory Regarding Meet-and-Confer Discussions Relating to Defendants' Motion to Compel Production of Election Fraud Documents** electronically using the CM/ECF system, which automatically sends notice and a copy of the filing to all counsel of record through the Court's electronic filing system.

This 18th day of August, 2014.

s/ Bradley E. Heard
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